

**MINUTES
COLUMBUS BOARD OF ZONING APPEALS
(November 28th 2006)**

Members Present: Mary Ferdon, Acting Chairperson; Karen Dugan, Secretary; Lou Marr, Dave Bonnell

Staff Present: Laura Thayer, Assistant Planning Director; Marcus Hurley, Associate Planner; Alan Whitted, Deputy City Attorney; Stephanie Carr and Brian Thompson, Code Enforcement

Mary Ferdon, Acting Chairperson, opened the meeting with a brief explanation about the Board and its responsibilities.

Proof of advertising for all cases was confirmed. The petitions and staff comments are a permanent record at the Planning Department.

Alan Whitted, Deputy City Attorney, administered the oath to all in attendance that would be speaking.

PUBLIC HEARING: DOCKET C/DS-06-10 FairOaks Mall

FairOaks Mall is a request for a development standards variance to allow a sign that is greater in height than permitted by the zoning ordinance. The property is located in the B-4 (Highway Business) district on the north side of 25th street between Central Avenue and Herman Darlage Drive in the City of Columbus.

Mr. Hurley stated that after the staff reviewed the request for the proposed sign, the staff found that the petitioner was in compliance with the zoning ordinance. He said that the petitioner was contacted and was told it would not be necessary for the variance.

PUBLIC HEARING: DOCKET C/DS-06-11 KEVIN L. THOMPSON

Kevin Thompson is requesting to expand an existing nonconforming storage building in the AG (Agriculture) district. The property is located at 4305 North County Road 330 West in Harrison Township.

Mr. Hurley read the background along with the findings of fact into the record.

There was a visual presentation.

Orwic Johnson and Kevin Thompson stated their names for the record.

Mr. Johnson presented his case into the record and addressed the criteria that had not been met.

The meeting was opened to the public.

James Dudley was in favor of the petition.

The meeting was closed to the public.

There was a brief discussion among the staff.

Dave Bonnell made a motion to approve C/DS-06-11 based on the findings of fact as presented by staff for criteria 1, 2 and 5. He addressed criterion 3 by stating that the proposed structure is consistent with and can be considered an agricultural structure, which is permitted in this district; and criterion 4 by stating that the variance is the minimum necessary because the structure is consistent with other agricultural structures in the district.

Lou Marr seconded the motion and it was approved unanimously.

PUBLIC HEARING: C/DS-06-12 GREYHAWK PROPERTIES

Greyhawk Properties is a request for a development standards variance from the requirement to build sidewalks along all street frontages. The property is located in the B-4 (Highway Business) district at 1575 National Road in the City of Columbus.

Mr. Hurley began the meeting with a visual presentation.

Mr. Hurley read the background along with the finding of fact into the record.

Ms. Ferdon asked Mr. Hurley about INDOT. She asked whether INDOT did not recommend the sidewalks now, but did recommend them in the future.

Mr. Hurley stated that was correct.

Ms. Thayer stated that Heather Pope in the Planning Department had talked to INDOT and that sidewalks are planned to be installed as part as the future U.S. 31 improvement project.

Ms. Ferdon read a letter from Assistant City Engineer Steve Rucker.

In his letter, Mr. Rucker recommended that all sidewalks be installed on all frontages of the site including National Road in their current development plan.

Petitioner Jeff Marshall and Jim Cook stated their names into the record.

Mr. Marshall stated that the plan does include a sidewalk along National Road. He said at this point in time the owners are in negotiation with the State of Indiana on the purchase of right-of-way for this area.

Mr. Marshall said Mr. Bergman suggested that they review the sidewalk requirement with the Board of Zoning Appeals.

Mr. Marshall showed photos of the property to the Board.

Mr. Marshall stated that the reason they have brought the petition to the Board is because they are in conflict with the taking that is going to occur when they put the sidewalk in.

Mr. Marshall said that the reason that the state is reluctant to recommend a sidewalk in this area is because the sidewalk will have to be torn out. This means the State is going to have to purchase this sidewalk from the owner. Then the sidewalks will have to be torn out at the taxpayers' expense, and put back in at the taxpayers' expense.

Mr. Marshall reviewed the provisions of the zoning ordinance and addressed the criteria that had not been met by the Planning Department.

The meeting was opened to the public.

There was no one to speak; therefore the meeting was closed to the public.

There was a brief discussion among the staff.

Karen Dugan made a motion to deny C/DS-06-12 to incur and include in the motion the staff's finding of fact.

Mary Ferdon seconded the motion to deny the petition.

The motion failed with a vote of 2-2.

Dave Bonnell made a motion to continue the petition, and Lou Marr seconded.

The meeting was continued until the December meeting by a vote of 4-0.

FINDINGS OF FACT

The following findings of fact were presented to the Board for consideration.

C/DS-06-08: LEON ROBERTS

Lou Marr made a motion to accept the findings, seconded by Karen Dugan.

APPROVAL OF MINUTES

Upon the motion made by Lou Marr and seconded by Karen Dugan the minutes of the September 26, 2006 meeting were approved 4-0.

DISCUSSION

The calendar for next year was presented by staff. Karen Dugan moved to approve the calendar, which was seconded by Lou Marr. The motion was passed unanimously. There being no other business, the meeting was adjourned.

Mary Ferdon, Acting Chairperson

Karen Dugan, Secretary